



U.S. DEPARTMENT of STATE

Ireland

Country Reports on Human Rights Practices - [2006](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 6, 2007

Ireland is a multiparty parliamentary democracy with an executive branch headed by a prime minister (Bertie Ahern), a bicameral parliament (Oireachtas), and a directly elected head of state, the president (Mary McAleese). The country's population is approximately 4.23 million. Free and fair parliamentary elections took place in 2002. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens. The law and judiciary provided effective means of addressing individual instances of abuse. Overcrowding and other harmful prison conditions, societal mistreatment of children, domestic violence, and trafficking in persons were the main human rights abuses during the year.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the law prohibits such practices, there were reports of abuse by police officers.

In 2005 the Police Complaints Board recorded 1,173 complaints, including abuse of authority, discourtesy, neglect, and discreditable conduct by police officers, compared with 1,232 such complaints in 2004. Of the 2005 complaints, 51 were adjudicated as minor breaches of discipline and referred to the police commissioner, and 23 were deemed breaches of discipline and referred to a tribunal.

The Morris Tribunal, established in 2002, continued to investigate allegations of police corruption in County Donegal. Several police officers were accused of planting evidence, changing official statements, and intimidating witnesses in relation to the 1996 death of a local businessman. During the year the tribunal determined that two officers had planted evidence and that three others attempted to cover up the crime. The tribunal highlighted a pattern of insubordination and lack of discipline within the Donegal police force.

During the year the independent police inspectorate, created in 2005 in response to concerns about police conduct, continued to examine operational, investigative, managerial, and policing strategies relating to the police force and published its first report. The report recommended changes in two serious structural issues: lack of civilian support within the police organization and an overemphasis on headquarters and specialized units. However, at year's end no action had been taken on the recommendations (see section 1.d.).

In several communities there were reports that violence against racial minorities and immigrants occurred; however, police stated that they received no complaints about misconduct from ethnic or religious groups (see section 5).

Prison and Detention Center Conditions

While prison conditions generally met international standards, there was some overcrowding, and work and sanitation conditions remained poor in some prisons.

Overcrowding in prisons became a public concern following the death of three inmates within a four-week period in August at Dublin's Mountjoy Prison. In an overcrowded holding cell, one inmate with a history of psychiatric illness beat another inmate to death. Another inmate died of a drug overdose, and the third committed suicide. The inspector of prisons had informed authorities of the overcrowding at Mountjoy in a report that covered 2004-05. In an effort to alleviate Mountjoy Prison's overcrowding, some prisoners were sent during the year

to other prisons. The same report also strongly criticized St. Patrick's Institution, a detention center for young men aged 16 to 21, for its lack of focus on rehabilitation. During the year approximately 70 of the 198 inmates at St. Patrick's Institution were school-aged, although only 31 attended school. In October the educational workshops at the institution, which had been closed since 2003 for budgetary and health-related reasons, reopened.

The law permits children between the ages of 15 and 17 to be placed in prison if they are found to be unsuitable for a detention school. An estimated 170 children and teenagers were placed in adult prisons during 2005.

Human rights groups continued to criticize understaffing and poor infrastructure at the Central Mental Health Hospital in Dundrum, the country's only secure hospital for prisoners with mental disabilities. In May the government approved construction of a new secure hospital for mentality ill patients.

In most cases the government permits prison visits by domestic and international human rights observers but requires prior appointments for such visits. There were no visits by such groups during the year; however, on October 18, the Council of Europe's Committee for the Prevention of Torture or Degrading Treatment or Punishment (CPT) announced it had visited a number of penal institutions earlier in the month and presented recommendations to the government.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. The use of special arrest and detention authority continued, primarily for those involved in paramilitary organizations.

Role of the Police and Security Apparatus

The national police have primary responsibility for internal security but are generally unarmed; therefore the army, under the minister of defense, may act in support of police when necessary. There were limited problems of police corruption, which the government investigated, and no known problems of impunity (see section 1.c.).

Arrest and Detention

In order to make an arrest, authorities must have a warrant issued by appropriate authorities, except when police, with reasonable cause, suspect that an offense has been committed and that a person is guilty of that offense. Suspects detained by police must be promptly informed of the charges against them and may not be held more than 24 hours without charge. For "scheduled offenses," i.e. crimes involving firearms, explosives, or membership in an unlawful organization, a judge has discretion to extend, upon the police superintendent's request, the detention of a suspect for an additional 24 hours.

The law requires that authorities bring a detainee before a district court judge as soon as possible to determine bail status pending a hearing; the judge decides whether to release the detainee on bail or continue detention until an appointed court date.

The law permits detention without charge for up to seven days in cases involving individuals suspected of drug trafficking; however, to hold a suspected drug trafficker for more than 48 hours the police must seek a judge's approval.

Detainees and prisoners are allowed unrestricted access to attorneys. If the detainee does not have an attorney, the court appoints one; for indigent detainees the government provides an attorney through the free legal aid program.

There is a functioning bail system; the law allows a court to refuse bail to a person charged with a serious offense (one that carries a penalty of five years' imprisonment or more) or when deemed necessary to prevent the commission of another serious offense.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected this provision in practice.

The judicial system consists of district courts, circuit courts, the High Court, the Court of Criminal Appeal, and the Supreme Court. The president appoints judges recommended by the Judicial Appointment Board, which makes its selection from a list presented by the government.

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

The director of public prosecutions, an independent government official, prosecutes criminal cases. Jury trials are generally used in criminal cases, and the accused may choose an attorney. Indigent defendants have the right to an attorney at public expense. Defendants enjoy a presumption of innocence and have the right to present evidence, to question witnesses, and to appeal.

The law explicitly allows "special courts" to be created when "ordinary courts are inadequate to secure the effective administration of justice

and the preservation of public peace and order." A nonjury "special criminal court" tries "scheduled offenses" and any other case that the director of public prosecutions certifies as one that an ordinary court cannot adequately handle. The composition of the special criminal court, always a three-judge panel, is determined by the judicial branch and usually includes one high court judge, one circuit court judge, and one district court judge. The panel's verdicts are by majority vote. Rules of evidence are generally the same as in regular courts, but the sworn statement of a police chief superintendent identifying the accused as a member of an illegal organization is accepted as prima facie evidence of the accused person's membership in the organization. Proceedings of special criminal courts are generally public, but judges may exclude certain persons other than journalists. Special criminal court decisions, like decisions in all criminal cases, may be appealed to the Court of Criminal Appeal.

The constitution also allows parliament to pass legislation that establishes tribunals with limited powers to investigate certain matters, usually cases of government corruption, although, if warranted, formal charges may be brought on the basis of the tribunal findings. The legislation sets out the powers of the tribunal and the procedures that will be applied. Some tribunals are established to last indefinitely. Others are established for a specific task only and cease to exist when that task is completed.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The independent and impartial judicial system hears civil cases and appeals on civil matters, including damage claims resulting from human rights violations; such claims may be brought before all appropriate courts, including the Supreme Court.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech, and the government generally respected this right in practice.

The constitution provides for freedom of the press with the qualification that it not "undermine public order or morality or the authority of the state." The constitution prohibits the publication or utterance of "blasphemous seditious, or indecent" matter.

The law prohibits the use of words, behavior, or the publication or distribution of material which is threatening, abusive, or insulting and intended or likely to stir up hatred. There were no reports that these provisions were invoked during the year.

The law empowers the government to prohibit the state-owned radio and television network from broadcasting any material "likely to promote or incite to crime or which would tend to undermine the authority of the State." Authorities did not invoke this prohibition during the year.

The independent print media were active and expressed a wide variety of views without government restriction.

Broadcasting remained mostly state controlled, but private-sector broadcasting continued to grow. There were 54 independent radio stations and two independent television stations. Access to cable and satellite television was widespread.

A Publication Board has the authority to censor books and magazines that it finds indecent or obscene. The board did not exercise this authority during the year.

The Office of the Film Censor must classify films and videos before they can be shown or sold; it must cut or ban any film that is "indecent, obscene, or blasphemous," or which tends to "inculcate principles contrary to public morality or subversive of public morality." During the year the film censor did not ban any films, but it did ban one video because of its pornographic content.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. The Internet was widely available and used by citizens.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution generally provides for freedom of assembly, and the government respected this right in practice. The law allows the state to "prevent or control meetings" that are calculated to breach the peace or to be a danger or nuisance to the general public.

On February 27, police dispersed demonstrators who responded violently to a "love Ulster" march in Dublin involving Northern Ireland unionists. The demonstrators attempted to block the march and then attacked police deployed at the scene, precipitating a riot. The rioters set fire to several vehicles, damaged local buildings, and looted a small number of shops. The police subdued the rioters and dispersed the protestors within hours of the initial outbreak of violence. Several police, protesters, and bystanders were injured. The police arrested 41 persons, 13 of whom were charged.

Freedom of Association

The constitution provides for freedom of association, and the government generally respected this right in practice.

c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice. Approximately 88 percent of the population is Roman Catholic. There is no official state religion.

The government permits, but does not require, religious instruction in public schools, and parents may exempt their children from such instruction.

Societal Abuses and Discrimination

In February a man was sentenced to 20 months in jail for multiple counts of anti-Semitic vandalism, including painting swastikas on three synagogues and painting swastikas and anti-Semitic graffiti on the Dublin Jewish Museum in 2005. He was released on bail pending an appeal. He was also scheduled to face 23 further charges of sending offensive e-mails to Jewish individuals. The trial for these charges was scheduled for January 12, 2007, in the Drogheda District Court.

In July unknown persons painted anti-Semitic graffiti on the exterior wall of an embassy during the conflict involving Israel and the terrorist organization Hizballah in Lebanon. The police promptly removed the graffiti, but those responsible for the graffiti were never identified. According to the Coordination Forum for Countering Anti-Semitism (CFCA), the Israeli embassy received dozens of telephone calls during the July-August conflict between Israel and the terrorist group Hizbolah in Lebanon. Several of the calls compared Israel to Nazi Germany, and one caller said that "it was a pity Hitler did not finish the job." Also according to the CFCA, the country's Chief Rabbi received an anti-Semitic phone call in mid-July, and a pair of children's shoes, on which the word, "Qana," (a reference to a community in Lebanon shelled by the Israeli Air Force) was written in red ink, was found outside the synagogue in Cork in August.

According to the 2002 census, the Jewish community numbered 1,790 persons. The 2006 census did not give respondents a box marked "Jewish" to check, due to the small number of Jews in the country. Jewish respondents had the option of writing in their religion under the "other" category.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The constitution provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against refoulement, the return of persons to a country where they feared persecution. The government recognized 648 asylum seekers as refugees during the year. The government also provided temporary protection to individuals who did not qualify as refugees under the 1951 convention and its 1967 protocol and provided it to approximately 39 persons from January through May. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through

periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

Parliamentary elections, which observers considered to be free and fair, were held in May 2002. In 2004, in accordance with the constitution, the president began her second term in office; the absence of any other candidates at the end of her first seven-year term eliminated the need for a ballot.

There were 23 women in the 166-seat House of Representatives (Dail Eirann) and 10 women in the 60-seat Senate (Senad Eirann). The president is was woman, and three of the 15 government ministers were women. Three women sat on the 34-member High Court, and three of the eight Supreme Court judges were women.

There were no members of minorities in the lower House of Representatives, the Senate, or the Cabinet.

Government Corruption and Transparency

There were isolated reports of possible government corruption. The most widely publicized instance involved the prime minister, who was under scrutiny for financial payments and loans accepted from friends and business associates during his tenure as minister for finance in 1993-94. The Irish Times reported details of the prime minister's actions after an anonymous source within the Tribunal of Inquiry into Certain Planning Matters and Payments, commonly known as the Mahon tribunal, passed confidential information from the tribunal to the newspaper. Although the prime minister's actions were not unlawful, the opposition political parties criticized the prime minister for unethical behavior.

The law provides for public access to government information and obligates statutory agencies to publish information on their activities and make it available to citizens and noncitizens upon request. Authorities generally granted requests by the public for information and did not charge prohibitive fees. There were mechanisms for appealing denials.

Tribunals operated on the basis of confidential information but published their findings and made them available to the public.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination in employment on the basis of gender, marital status, family status, sexual orientation, age, disability, race, and membership in the Traveller community. However, discrimination against racial minorities, including immigrants and Travellers, remained a problem.

Women

Domestic violence, including spousal abuse, was a problem. A July 2005 study by the National Crime Council and the Economic and Social Research Institute reported that 15 percent of women at some time experienced domestic abuse by a partner. Of these women, 29 percent reported the abuse to police, while only 7 percent contacted a help line.

The law prohibits domestic violence, authorizes prosecution of a violent family member, and provides victims two types of protection: safety orders and barring orders. Safety orders prohibit a person from engaging in violent actions or threats but do not require the individual to leave the home, while barring orders prohibit a person from entering the family home for up to three years. The law allows claimants to apply for interim protection while courts process their cases. Violations of these orders are punishable by a fine of up to approximately \$2,489 (1,900 euros) or 12 months' imprisonment. According to official statistics, in 2005 the courts received 2,866 safety order applications and 3,183 barring applications; in both categories, more than a third of the applications were granted and nearly two-thirds were withdrawn. Of the safety and barring orders granted, more than half were related to the spouse of the applicant. In 2005, 1,103 proceedings for breach of orders were initiated.

The government funded centers throughout the country for victims of domestic abuse.

The law criminalizes rape, including within marriage, and provides for free legal advice to victims of serious sexual assault. The Courts Service annual report documented a total of 75 rape cases tried in 2005, in which 40 persons were convicted of rape and other sexual offenses. They received sentences of between five and 12 years in prison. At the end of 2005, 58 rape cases were pending.

In rape cases, the government brings formal charges against the accused, with the victim acting as a witness. The law provides for separate legal representation for victims in rape and other serious sexual assault cases when counsel for the defendant applies to enter evidence or to cross-examine the victim about his or her past sexual experience.

Strengthened statutory rape legislation to eliminate ignorance of the victim's age as a mitigating circumstance in sentencing prevented convicted perpetrators from leaving prison by arguing that they were unaware of the victim's age, an acceptable legal argument under the previous law. The law changed after one man convicted of statutory rape successfully appealed his conviction on this premise and was released. Several other appeals were pending when the law changed, effectively eliminating the basis for the appeals.

Rape crisis centers, funded in part by the government, provided support by immediate telephone contact and one-on-one counseling. Government programs provided long- and short-term housing options for victims of sexual violence. All police received training on the investigation of cases of domestic violence, rape, and sexual assault.

In 2005 the Dublin Rape Crisis Center reported receiving 12,244 counseling calls in all categories (child sexual abuse, adult rape, adult sexual assault, and sexual harassment), an upward trend in the frequency of calls. The center reported that 95 of the 335 rape victims recorded in 2005 reported their attacks to the police, resulting in five defendants being tried and four convicted.

Although prostitution is not a crime, it is illegal for a person in a street or public place to solicit for the purposes of prostitution. The offense applies equally to a prostitute soliciting a client, a client soliciting a prostitute, or a third party soliciting one on behalf of the other. The same offense and penalties apply to prostitutes, clients, or anyone who solicits in a public place. It is also an offense to solicit another person in order to commit certain sexual offenses, such as sexual offenses with underage persons or to keep or to manage a brothel. Reports of, and arrests for, prostitution were rare.

There was anecdotal evidence that women were trafficked for sexual exploitation (see section 5, Trafficking in Persons).

The law obliges employers to prevent sexual harassment and prohibits dismissing an employee for making a complaint of sexual harassment. The Equality Authority investigates claims of unfair dismissal and may require an employer charged with unfair dismissal to reinstate the employee or pay the employee up to 104 weeks' pay. In the few cases of sexual harassment that were reported to them, authorities effectively enforced the law.

Women enjoy the same legal rights as men, including rights under family law, property law, and in the judicial system. The Equality Tribunal and the Equality Authority are the main statutory bodies that enforce and administer the discrimination laws. Nonetheless, inequalities persisted regarding pay and promotions in both the public and private sectors. Women constituted 45 percent of the labor force but were underrepresented in senior management positions.

Children

The government was strongly committed to children's rights and welfare, allocating ample funds to systems of public education and health care. Education is free and compulsory for children from age six to 15. The Department of Education reported that approximately 99 percent of children between the ages of five and 16 attended school and that 92 percent completed upper secondary education.

The government makes available to all children a range of health services, including free immunizations and vaccinations and free prescribed drugs and medications. The government covers all health services for residents below a certain income level.

The law establishes strict guidelines for organizations providing services to children to identify and report cases of physical and sexual child abuse. Numerous nongovernmental organizations (NGOs) offered support for victims as well as resources for parents and professionals who work with children.

During the year the UN Committee on the Rights of Children expressed concern over the level of child poverty, alcohol abuse among children, and proposed changes to the youth justice system that would permit criminal prosecution of children as young as 10 years old.

In 2005 the Dublin Rape Crisis Center reported that 46 percent of calls to its crisis line involved child sexual abuse. The 15 member centers of Rape Crisis Network Ireland provided face-to-face support to 3,529 individuals, 39 percent of whom were children. The law requires government health boards to identify and help children who are not receiving adequate care, and it gives police increased powers to remove children from the family if there is an immediate and serious risk to their health or welfare.

The law prohibits the trafficking and sexual exploitation of children; however, there were reports that such practices occurred (see section 5, Trafficking in Persons).

An ombudsman for children investigates complaints from children or persons acting on their behalf against various governmental and nongovernmental bodies and has a role in promoting general child welfare.

Trafficking in Persons

The law prohibits trafficking in persons. There were reports, which the government investigated, that the country was a transit and destination point for a significant number of trafficking victims from Eastern Europe, Africa, Latin America, and Asia. The country may also be a transit point for persons trafficked to or from Northern Ireland. There was anecdotal information that some women were trafficked within the country.

Socially disadvantaged noncitizen women and children, asylum seekers, refugees, and economic immigrants were most likely to be

trafficking victims.

NGOs reported that women were smuggled or trafficked into the country primarily for sexual exploitation and that men may be smuggled or trafficked into the country for work in the construction industry or agricultural sector. There were no reliable statistics on the number of possible victims of trafficking, but press reports and anecdotal information from the police indicated that the number increased during the year. However, the most credible NGOs reported there were fewer than 30 victims. NGOs also reported that traffickers targeted more vulnerable younger women who knew little English, lacked legal status, and had no recourse to social or familial networks. The traffickers generally placed their victims in apartments, where illegal activities were easier to hide. NGOs reported that traffickers used the Internet to advertise and solicit victims. NGO and press accounts of the experiences of trafficking victims identified both Irish and foreign nationals among the traffickers. The majority of foreign traffickers were from Eastern Europe.

The law expressly criminalizes trafficking in children for the purpose of sexual exploitation, with penalties of up to life imprisonment. The law also criminalizes trafficking in illegal immigrants and asylum seekers. The Police National Immigration Bureau (GNIB) and the Department of Justice are responsible for combating trafficking.

In July 2005 the Dublin District Court began the trial of a man charged with trafficking a Mauritius national into the country. The trial was still pending at year's end. There were no trafficking convictions during the year.

The government trained law enforcement officials on how to extend protection assistance to potential victims of trafficking. In August the government initiated an antitrafficking campaign, using multilingual posters to advertise a toll-free telephone number that victims of trafficking could call for assistance. Through this number they were referred to police and various NGOs for such services as temporary accommodations and access to social and legal counsel.

The ministries of justice and foreign affairs and the GNIB were involved in antitrafficking efforts, and there was coordination between government officials, NGOs, and other elements of civil society on trafficking issues.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services, and the government effectively enforced these provisions. The law requires access to buildings for persons with disabilities, where possible, and the government generally enforced these provisions in practice.

A National Disability Authority has responsibility for setting disability standards, monitoring the implementation of these standards, and researching and formulating disability policy.

National/Racial/Ethnic Minorities

Societal discrimination and violence against immigrants and racial and ethnic minorities, including Asians, East Europeans, and Africans, continued to be a problem. Racially motivated incidents involved physical violence, intimidation, graffiti, and verbal slurs; the majority of the incidents took place in public places. In November the Economic and Social Research Institute issued a publication, *Migrants' Experience of Racism and Discrimination in Ireland*, which reported that 35 percent of migrants interviewed had experienced discrimination or harassment in public places.

During the year 141 racially and ethnically motivated incidents were reported, an increase from the 94 incidents reported in 2005. The Police Racial and Intercultural Office trained police on interacting with persons of different racial and ethnic backgrounds. There were also 34 officers who were specially trained in conflict resolution involving foreign nationals where language was a problem.

Approximately 25,000 nomadic persons regard themselves as a distinct ethnic group called "Travellers," who have their own history and culture. Travellers faced societal discrimination and were regularly denied access to premises, goods, facilities, and services; many restaurants and pubs, for example, would not serve them. While the law does not recognize Travellers as an ethnic group, there is a specific designation that protects them under the antidiscrimination laws.

Despite national regulations providing that no child may be refused admission to school on account of social position, Travellers frequently experienced difficulties enrolling their children in school. Traveller students were not taught in separate classrooms. Of the estimated 5,000 Traveller families, approximately 1,000 lived on roadsides or other temporary sites without electricity or sanitary facilities. Many Travellers depended on social welfare for survival and their participation in the economy was limited by discrimination and lack of education.

The law specifically prohibits discrimination against Travellers, and a small number of discrimination lawsuits were filed and won during the year against proprietors for refusing to serve Travellers. The Housing (Traveller Accommodation) Act requires local elected officials to draw up and implement Traveller accommodation plans on a five-year basis and requires them to solicit Traveller input into the process. Under this act, each community must provide adequate accommodations for Travellers. Traveller NGOs argued, however, that many communities provided Travellers with housing, such as government-owned apartments or townhouses, which was inconsistent with the nomadic Traveller lifestyle or provided halting sites that did not include basic amenities such as sanitary facilities, electricity, and water. Government expenditures on Traveller-specific reached an estimated \$148 million (114 million euros) during the year.

Section 6 Worker Rights

a. The Right of Association

The law provides workers with the right to form and join unions of their choice, and workers exercised this right in practice. Approximately 33 percent of workers in the private sector were union members, compared with 95 percent in the public sector. Police and military personnel may form associations, but technically not unions, to represent themselves in matters of pay, working conditions, and general welfare.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. Labor unions have the right to pursue collective bargaining and unions exercised this right in practice; however, employers are not required to engage in collective bargaining with employees. The law provides for the right to strike, and workers exercised this right in both the public and private sectors. Police and military personnel, however, are prohibited from striking.

There are no special laws or exemptions from regular labor laws in the export processing zone at Shannon Airport.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

The government implemented laws and policies to protect children from exploitation in the workplace. Under the law, employers may not employ children under the age of 16 in a regular, full-time job. Employers may hire 14- or 15-year-olds for light work on school holidays as part of an approved work experience or educational program. Employers may hire children over the age of 15 on a part-time basis during the school year. The law establishes rest intervals and maximum working hours, prohibits the employment of 18-year-olds for late night work, and requires employers to keep more detailed records on workers under 18 years of age. The Office of the Labor Inspectorate at the Department of Enterprise, Trade and Employment is responsible for enforcement.

e. Acceptable Conditions of Work

The national minimum wage is \$10.02 (7.65 euros) per hour, which did not provide a decent standard of living for a worker and family; however, low-income families are entitled to such benefits as subsidized housing, medical coverage, and children's allowances. During the year reports persisted that the pay of non-Irish migrant workers was sometimes below the minimum wage, particularly in the rural agricultural and construction sectors. Partly in response to these reports, the government established a labor-monitoring agency independent of the Department of Enterprise, Trade, and Employment, which primarily represents business interests.

The standard workweek is 39 hours. Working hours in the industrial sector are limited to nine hours per day and 48 hours per week. Overtime work is limited to two hours per day, 12 hours per week, and 240 hours per year. The government effectively enforced work-hour standards. Although there is no statutory entitlement to premium pay for overtime, it could be arranged between employer and employee.

The Department of Enterprise, Trade, and Employment is responsible for enforcing the laws dealing with occupational safety, and these laws provided adequate and comprehensive protection. There were no complaints from either labor or management during the year regarding significant shortcomings in enforcement. Regulations provide workers with the right to remove themselves from dangerous work situations that present a "serious, imminent, and unavoidable risk" without jeopardy to their continued employment.